

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**UNITED STATES OF AMERICA**

**v.**

**2:06CR105**

**JOSE EFRAIN SANTOS-PORTILLO**

**Defendant.**

**REPORT AND RECOMMENDATION  
CONCERNING GUILTY PLEA**

---

Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered a guilty plea to an indictment charging reentry by a deported alien, in violation of 8 U.S.C. § 1326(a).

Defendant was represented by appointed counsel, Walter B. Dalton, Esquire. On September 28, 2006, defendant appeared before the Court for the purpose of entering his guilty plea. He was appropriate in appearance, responsive, and competently prepared for the hearing. Before the proceeding began, an interpreter, providing simultaneous translation to the Court and parties, was sworn.

Defendant answered all questions put to him in clear and concise language. On those occasions when he had a question, defendant, assisted by the interpreter, consulted with counsel and then promptly answered. Defendant was courteous and appropriate in his behavior at all times and clearly understood the seriousness of his position. At the close of the proceeding, defendant was continued in custody, pending completion of a presentence report.

Defendant, who is of Hispanic origin, is twenty-two years of age, attended school in Honduras for five years, and speaks Spanish as his native language. There was no evidence that defendant was on drugs, alcohol, or medication which might impair his judgment. He was cooperative throughout the proceeding.

Defendant entered the guilty plea without a plea agreement. The Court is completely satisfied, based upon defendant's responses, that he fully appreciates his position. Furthermore, he acknowledged that the statement of facts prepared in anticipation of his plea accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offense charged is supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty plea be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

**Norfolk, Virginia**

October 2, 2006

/s/  
**James E. Bradberry**  
**United States Magistrate Judge**

Clerk's Mailing Certificate

A copy of the foregoing Report was mailed this date to each of  
the following:

Walter B. Dalton, Esquire  
Federal Public Defender's Office  
Town Point Center, Ste. 403  
150 Boush Street  
Norfolk, VA 23510

Joseph P. DePadillo, Esquire  
Assistant United States Attorney  
United States Attorney's Office  
101 West Main Street, Suite 8000  
Norfolk, VA 23510

Fernando Galindo, Acting Clerk

By \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_, 2006